

1 HON. LAUREN KING  
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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

7 TWIN HARBORS WATERKEEPER, )  
8 Plaintiff, ) CASE No. 3:22-cv-5233-LK  
v. )  
9 BWC TERMINALS LLC, ) JOINT MOTION FOR ENTRY OF  
Defendant. ) CONSENT DECREE  
10 \_\_\_\_\_ ) NOTE ON MOTION CALENDAR:  
 ) April 14, 2023  
11 )

MOTION

12 Plaintiff Twin Harbors Waterkeeper (“Twin Harbors”) and Defendant BWC Terminals  
13 LLC, (“BWC”) hereby jointly move the Court for an order approving the entry of the Consent  
14 Decree filed herewith.

STATEMENT IN SUPPORT

15 Twin Harbors and BWC (collectively, “the parties”) have agreed that settlement of this  
16 matter as between these parties is in the public interest and that entry of the Consent Decree is  
17 the most appropriate means of resolving this matter. By stipulating to the entry of the proposed  
18 Consent Decree, BWC does not admit the facts alleged against it and does not admit liability.  
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20 Pursuant to 33 U.S.C. § 1365(c)(3) and 40 C.F.R. §§ 135.4 and 135.5, copies of the  
21 Complaint and the Consent Decree will be served on the U.S. Attorney General, the  
22 Administrator of the U.S. EPA and the Regional Administrator of Region 10 of the U.S. EPA.  
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1 The Consent Decree may not be entered prior to 45 days following receipt by both the  
2 Administrator and the Attorney General. The noting date for the Court's consideration of this  
3 matter has been scheduled accordingly.

4 The parties respectfully request this Court enter the Consent Decree.

5 RESPECTFULLY SUBMITTED, this 21st day of February, 2023.

6 STOEL RIVES LLP

SMITH & LOWNEY, PLLC

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